

21465-501 CIP2
Page 1 of 1

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PTO/SB (12-97)
OMB 0651-0031

Modified Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)	Application Number	09/814,338
	Filing Date	03/21/01
	First Named Inventor	Rothberg
	Group Art Unit	1637
	Examiner Name	Young J. Klm
	Attorney Docket Number	21465-501 CIP2

U.S. PATENT DOCUMENTS

Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date if Appropriate
<i>[Signature]</i>	A83	5,888,819	03/30/99	Goelet et al.	495	5	03/05/91
<i>[Signature]</i>	A84	2003/0082566	05/01/03	Sylvan	433	8	02/27/02


FOREIGN PATENT DOCUMENTS

Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes	No
	859	EP 0 371 437	Orion-Yhtymä Oy	February 21, 1996	X	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

[illegible]

* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. _____ filed _____ now issued as Pat. No. _____ and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	10-30-03
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Modified Form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number 09/814,338

Filing Date 03/21/01

First Named Inventor Rothberg

Group Art Unit 1637

Examiner Name Young J. Kim

Attorney Docket Number 21465-501 CIP2

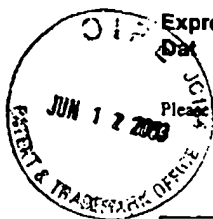
U.S. PATENT DOCUMENTS

Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
<i>JP</i>	A23	4,683,195	07/28/87	Mullis et al			02/07/86
	A24	4,683,202	07/28/87	Mullis			10/25/85
	A25	4,822,746	04/18/89	Walt			06/25/86
	A26	4,965,188	10/23/90	Mullis et al.			06/17/87
	A27	5,114,984	05/19/92	Branch et al.			04/26/91
	A28	5,143,853	09/01/92	Walt			02/02/89
	A29	5,244,636	09/14/93	Walt et al.			01/25/91
	A30	5,250,264	10/05/93	Walt et al.			12/21/92
	A31	5,252,494	10/12/93	Walt			03/30/92
	A32	5,254,477	10/19/93	Walt			09/19/91
	A33	5,298,741	03/29/94	Walt et al.			01/13/93
	A34	5,320,814	06/14/94	Walt et al.			11/25/92
	A35	5,405,746	04/11/95	Uhlen			09/22/93
	A36	5,429,807	07/04/95	Matson et al.			10/28/93
	A37	5,436,327	07/25/95	Southern et al.			09/21/89
	A38	5,512,490	04/30/96	Walt et al.			08/11/94
	A39	5,534,424	07/09/96	Uhlen et al.			05/12/93
	A40	5,633,972	05/27/97	Walt et al.			11/29/95
	A41	5,700,637	12/23/97	Southern			04/19/94
	A42	5,716,785	02/10/98	Van Gelder et al.			04/19/96
	A43	5,744,305	04/28/98	Fodor et al.			06/06/95
	A44	5,750,341	05/12/98	Macevicz			04/17/95
	A45	5,770,367	06/23/98	Southern et al.			
	A46	5,780,231	07/14/98	Brenner			03/05/96
	A47	5,795,716	08/18/98	Chee et al.			10/21/94
	A48	5,814,524	09/29/98	Walt et al.			12/14/95
	A49	5,871,928	02/16/99	Fodor et al.			06/11/97
	A50	5,891,636	04/06/99	Van Gelder et al.			09/03/97
	A51	5,900,481	05/04/99	Lough et al.			11/06/96
	A52	5,962,228	10/05/99	Brenner			08/22/97
	A53	6,013,445	01/11/00	Albrecht et al.			10/07/97
	A54	6,023,540	02/08/00	Walt et al.			03/14/97

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Date of Issue: June 12, 2003

Page 2 of 4

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Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Applicable
	A55	6,040,193	03/21/00	Winkler et al.			08/04/98
	A56	6,054,270	04/25/00	Southern			09/09/97
	A57	6,080,585	06/27/00	Southern et al.			02/01/95
	A58	6,114,114	09/05/00	Seilhamer et al.			07/29/94
	A59	6,133,436	10/17/00	Koster et al.			09/19/97
	A60	6,136,543	10/24/00	Anazawa et al.			01/31/97
	A61	6,150,095	11/21/00	Southern et al.			04/09/96
	A62	6,200,737	03/13/01	Walt et al.			08/24/95
	A63	6,210,891	04/03/01	Nyren et al.			09/26/97
	A64	6,210,896	04/03/01	Chan			08/13/99
	A65	6,210,910	04/03/01	Walt et al.			03/02/98
	A66	6,218,111	04/17/01	Southern et al.			12/10/97
	A67	6,221,653	04/24/01	Caren et al.			04/27/99
	A68	6,255,476	07/03/01	Vinayak et al.			02/22/99
	A69	6,258,568	07/10/01	Nyren			12/22/97
	A70	6,263,286	07/17/01	Gilmanshin et al.			08/13/99
	A71	6,306,597	10/23/01	Macevicz			03/29/99
	A72	6,307,039	10/23/01	Southern			02/11/00
	A73	6,333,155	12/25/01	Lockhart et al.			12/18/98
	A74	6,355,420	03/12/02	Chan			08/13/98
	A75	6,355,431	03/12/02	Chee et al.			03/03/00
	A76	2001/0006630	07/05/01	Yacoby-Zeevi			03/02/99
	A77	2001/0041335	11/15/01	Goldberg et al.			02/06/01
	A78	2002/0009729	01/24/02	McGall et al.			02/08/01
	A79	2002/0022721	02/21/02	Trulson et al.			08/03/01
	A80	6,146,593	11/14/00	Pinkel et al.			11/14/00
	A81*	5,445,971	08/95	Rohr			
	A82*	5,919,673	07/99	Wong et al.			

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Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes	No
	B18	EP 0 373 203	Isis Innovation Limited	August 31, 1994		
	B19	EP 0 619 321	Affymax Technologies N.V.	January 7, 1999		
	B20	WO 89/10977	Isis Innovation Limited	November 16, 1989		
	B21	WO 98/28440	Pyrosequencing AB	July 2, 1998		
	B22	WO 99/05315	Medical Biosystems LTD	February 4, 1999		
	B23	WO 99/60007	Isis Innovation Limited	November 25, 1999		
	B24	WO 99/61662	Isis Innovation Limited	December 2, 1999		
	B25	WO 99/66313	Pyrosequencing AB	December 23, 1999		
	B26	WO 99/67641	Illumina, Inc.	December 29,		

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Exam Initials	Cite No.	Foreign Patent Document Office	Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No
					1999	
	B27	WO	00/06770	Solexa LTD	February 10, 2000	
	B28	WO	00/27521	Solexa LTD	May 18, 2000	
	B29	WO	00/39587	Illumina, Inc.	July 6, 2000	
	B30	WO	00/43540	Pyrosequencing AB	July 27, 2000	
	B31	WO	00/44491	Illumina, Inc.	August 3, 2000	
	B32	WO	00/47996	Illumina, Inc.	August 17, 2000	
	B33	WO	00/48000	Illumina, Inc.	August 17, 2000	
	B34	WO	00/56455	Pyrosequencing AB	September 28, 2000	
	B35	WO	00/58507	Solexa LTD	October 5, 2000	
	B36	WO	00/60072	Medical Biosystems LTD	October 12, 2000	
	B37	WO	00/60114	Medical Biosystems LTD	October 12, 2000	
	B38	WO	00/63437	Illumina, Inc.	October 26, 2000	
	B39	WO	00/71243	Illumina, Inc.	November 30, 2000	
	B40	WO	00/71992	Illumina, Inc.	November 30, 2000	
	B41	WO	00/71995	Illumina, Inc.	November 30, 2000	
	B42	WO	00/75373	Illumina, Inc.	December 14, 2000	
	B43	WO	01/18524	Illumina, Inc.	March 15, 2001	
	B44	WO	01/24937	Pyrosequencing AB	April 12, 2001	
	B45	WO	01/25480	Medical Biosystems LTD	April 12, 2001	
	B46	WO	01/42496	Pyrosequencing AB	June 14, 2001	
	B47	WO	01/46675	Illumina, Inc.	June 28, 2001	
	B48	WO	01/57268	Illumina, Inc.	August 9, 2001	
	B49	WO	01/57269	Illumina, Inc.	August 9, 2001	
	B50	WO	01/59432	Illumina, Inc.	August 16, 2001	
	B51	WO	01/61043	Illumina, Inc.	August 23, 2001	
	B52	WO	01/85341	Pyrosequencing AB	November 15, 2001	
	B53	WO	02/00336	Illumina, Inc.	January 3, 2002	
	B54	WO	02/12897	Illumina, Inc.	February 14, 2002	
	B55	WO	02/16649	Illumina, Inc.	February 28, 2002	
	B56	WO	02/20836	Pyrosequencing AB	March 14, 2002	
	B57	WO	02/20837	Pyrosequencing AB	March 14, 2002	
	B58	WO	02/21128	Illumina, Inc.	March 14, 2002	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C67	Mitra and Church (1999). Nuc. Acids Res. 27(34): i-vi.

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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
<i>[Signature]</i>	C68	Tawfik and Griffiths (1998). <i>Nature Biotechnol.</i> <u>16</u> : 652-656.
<i>[Signature]</i>	C69	International Search Report for PCT/US02/08700, mailed July 12, 2002.
<i>[Signature]</i>	C70*	Hoheisel, "Oligomer-chip technology" <i>Trends in BioTechnology</i> <u>15</u> : 465-469.

* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 09/398,833 filed September 16, 1999 now issued as Pat. No. 6,274,320 and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature	<i>[Signature]</i>	Date Considered	10-30-03
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,338	03/21/2001	Jonathan M. Rothberg	21465-501 CIP2	6233

30623 7590 11/19/2002

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

EXAMINER

KIM, YOUNG J

ART UNIT	PAPER NUMBER
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1637

DATE MAILED: 11/19/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .		Applicant(s)	
	09/814,338		ROTHBERG ET AL.	
	Examiner		Art Unit	
	Young J. Kim		1637	

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 09 September 2002.

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-87 is/are pending in the application.

4a) Of the above claim(s) 1-55 is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 56-87 is/are rejected.

7) ☒ Claim(s) 86 is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.

15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____
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Express Mail Label: EV054296480US
Applicant: Rothberg, et al.
USSN: 09/814,338
Date of Deposit: February 1, 2002
Please type a plus sign (+) in this box ☐

Page 1 of 3

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Approved for use through 9/30/00 OMB 051-0031
System and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Modified Form 1449/PTO	Application Number	09/814,338
	Filing Date	03/21/01
	First Named Inventor	Rothberg
	Group Art Unit	1645
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	21465-501CIP2

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

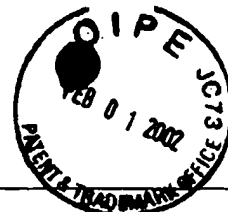
(use as many sheets as necessary)

U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
<input checked="" type="checkbox"/>	A1*	4,811,218	03/07/89	Hunkapiller et al.			
<input checked="" type="checkbox"/>	A2*	4,863,849	09/05/89	Melamede			
<input checked="" type="checkbox"/>	A3*	5,171,534	12/15/92	Smith et al.			
<input checked="" type="checkbox"/>	A4*	5,602,509	04/12/94	Cheeseman			
<input checked="" type="checkbox"/>	A5*	5,445,934	08/29/95	Fodor et al.			
<input checked="" type="checkbox"/>	A6*	5,525,464	06/11/96	Drmanac and Crkvenjakov			
<input checked="" type="checkbox"/>	A7*	5,604,097	02/18/97	Brenner			
<input checked="" type="checkbox"/>	A8*	5,648,245	07/15/97	Fire and Xu			
<input checked="" type="checkbox"/>	A9*	5,714,320	02/03/98	Kool			
<input checked="" type="checkbox"/>	A10*	5,728,529	03/17/98	Metzker and Gibbs			
<input checked="" type="checkbox"/>	A11*	5,800,992	09/01/98	Fodor et al.			
<input checked="" type="checkbox"/>	A12*	5,821,058	10/13/98	Smith et al.			
<input checked="" type="checkbox"/>	A13*	5,830,662	12/03/98	Soares and Efstratiadis			
<input checked="" type="checkbox"/>	A14*	5,834,252	11/10/98	Stemmer and Lipshutz			
<input checked="" type="checkbox"/>	A15*	5,846,721	12/08/98	Soares and Bonaldo			
<input checked="" type="checkbox"/>	A16*	5,846,727	12/08/98	Soper et al.			
<input checked="" type="checkbox"/>	A17*	5,854,033	12/29/98	Lizardi			
<input checked="" type="checkbox"/>	A18*	5,851,772	12/22/98	Mirzabekov et al.			
<input checked="" type="checkbox"/>	A19*	5,871,697	02/16/99	Rothberg et al.			
<input checked="" type="checkbox"/>	A20*	5,882,874	03/16/99	Fisher			
<input checked="" type="checkbox"/>	A21*	5,928,905	07/29/99	Stemmer and Lipshutz			
<input checked="" type="checkbox"/>	A22*	4,971,903	11/20/90	Hyman			

FOREIGN PATENT DOCUMENTS						
Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No	
<input checked="" type="checkbox"/>	B1*	WO 97/41260	Genescope	11/06/97		
<input checked="" type="checkbox"/>	B2*	WO 98/08973	Cancer Research Campaign Tech. Ltd.	03/05/98		
<input checked="" type="checkbox"/>	B3*	WO 98/13523	Pyrosequencing AB	04/02/98		
<input checked="" type="checkbox"/>	B4*	WO 98/44151	Glaxo Group Ltd.	10/08/98		
<input checked="" type="checkbox"/>	B5*	WO 98/44152	Glaxo Group Ltd.	10/08/98		
<input checked="" type="checkbox"/>	B6*	WO 98/53300	Lynx Therapeutics	11/26/98		
<input checked="" type="checkbox"/>	B7*	WO 99/07896	CuraGen Corporation	02/18/99		
<input checked="" type="checkbox"/>	B8*	WO 99/15702	Life Technologies, Inc.	04/01/99		
<input checked="" type="checkbox"/>	B9*	WO 99/28494	Packard BioScience Company	06/10/99		
<input checked="" type="checkbox"/>	B10*	WO 99/30823	Packard BioScience B.V.	06/24/99		

Express Mail Label: EV054296480US
 Applicant: Rothberg, et al.
 USSN: 09/814,338
 Date of Deposit: February 1, 2002

Attachment
 to
 Paper No. 4



Page 2 of 3

FOREIGN PATENT DOCUMENTS					
Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No
✓	B11*	WO 99/36576	Packard BioScience Company	07/22/99	
	B12*	WO 99/53102	Packard BioScience Company	10/21/99	
	B13	WO 97/19193	Yale University	05/29/97	
	B14	WO 97/27326	The Regents of the University of California	07/31/97	
	B15	WO 98/50782	Trustees of Tufts College	11/12/98	
	B16	WO 98/20019	Sequenom, Inc.	05/14/98	
✓	B17	WO 98/35012	Eugene Y. Chan	08/13/98	

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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
✓	C1*	Baner et al. (1998). <i>Nucleic Acids Research</i> 26(22): 5073-5078.
	C2*	Barshop et al. (1991). <i>Analytical Biochemistry</i> 197: 266-272.
	C3*	Brandis et al. (1990). <i>Biochemistry</i> 55: 2189-2200.
	C4*	Bronk et al. (1996). <i>Anal. Chem.</i> 67: 2750-2757.
	C5*	Burns et al. (1998). <i>Science</i> 282: 484-487.
	C6*	Chan and Nie (1998). <i>Scient</i> 281: 2016-2018.
	C7*	Chee et al. <i>Science</i> 274(5287).
	C8*	Chiu and Christopoulos (1996). <i>Anal. Chem.</i> 68: 2304-2308.
	C9*	Daubendiek and Kool (1997). <i>Nature Biotechnology</i> 15: 273-277.
	C10*	Dickson et al. (1996). <i>Science</i> 274(5289): 966.
	C11*	Dickson et al. (1997). <i>Nature</i> 388: 355-358.
	C12*	Ferguson et al. (1996). <i>Nature Biotechnology</i> 14: 1681-1684.
	C13*	Fire and Xu (1995). <i>Proc. Natl. Acad. Sci.</i> 92: 4641-4645.
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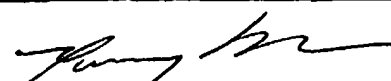
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Pag 3 of 3

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
<input checked="" type="checkbox"/>	C33*	Metzker et al. (1998). <i>BioTechniques</i> 25: 446-462.
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* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 09/398,833, filed September 16, 1999, now issued as Pat. No. 6274320 and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

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